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C O N F I D E N T I A L SECTION 01 OF 03 MADRID 000449

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SUBJECT: SPANISH INTERIOR MINISTER RUBALCABA ON DE JUANA
CHAOS DECISION; ETA TERRORISM; KEY BILATERAL ISSUES

REF: MADRID 432

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Classified By: AMBASSADOR EDUARDO AGUIRRE FOR REASONS 1.4 (B) AND (D)

11. (C) Summary: During a March 7 lunch with Spanish Minister of Interior Alfredo Perez Rubalcaba, Ambassador Aguirre heard the Spanish government's defense of its recent controversial decision to allow convicted ETA assassin Inaki De Juana Chaos to serve out the rest of his sentence under house arrest (see REFTEL for Embassy analysis on this issue). De Juana was close to death due to a 4-month hunger strike, and Minister Rubalcaba said that the decision was the correct one because it allowed the GOS to prevent De Juana from becoming a "decades-long martyr for radical ETA youth." He said the GOS was solely responsible for the decision, without any discussion with or pressure from ETA. Rubalcaba also said that ETA had the power to put the opposition Partido Popular (PP) "in the driver's seat" by assassinating one or more individuals of consequential PP rank or position, but was unsure if ETA leaders would want to do this. The Interior Minister said, responding to our request, he was closely following developments on the Couso case and the CIA flights issue, and was eager to see a cooling of Spanish emotions in both cases. Finally, Rubalcaba asked the Ambassador for further reasons behind the postponement of the proposed March visit to Madrid by Secretary Rice. The Minister expressed appreciation for his meetings with the Ambassador, as opportunities to exchange ideas and gain perspective. End Summary.

//GOS Decision Saved Lives//

12. (C) Rubalcaba told the Ambassador that the decision to allow convicted ETA assassin Inaki De Juana Chaos to serve the remaining 18 months of his sentence at home under house arrest was the correct one. (Embassy Note: On March 1, incarcerated ETA member Inaki De Juana Chaos was released from the Madrid hospital where he was being treated for a hunger strike and was transferred to a hospital in San Sebastian. When he has recovered from the affects of the 4-month hunger strike, he will be allowed to complete his sentence at home under police surveillance. De Juana had almost completed 17 years of a 30-year sentence for the murder of 18 individuals when he became eligible for early release in 2005. A National Court magistrate blocked De Juana's release in 2005 by charging him with writing letters threatening prison officials, and De Juana was later sentenced to an additional 12 years behind bars. The Supreme Court in February 2007 reduced that sentence to 3 years, leaving only 18 months remaining due to time already served,

and setting the stage for the government's decision to release him). Minister Rubalcaba said that his government knew the decision would be controversial, but that government officials had not done a good job explaining to the Spanish people that De Juana had already served his time for the murders, and remained in prison only on the lesser charge of making threatening statements. Rubalcaba confided to the Ambassador that as the end of De Juana's murder sentence drew near in 2005, the Minister of Justice at that time did not want to see the convicted assassin go free. He thus sought to slap on an additional charge--albeit an obscure one with flimsy merits--that would continue the ETA member's incarceration. Rubalcaba said that in hindsight, it would have been better to allow De Juana to go free in 2005 and that now the Zapatero Government was "paying the price" for that decision.

13. (C) Rubalcaba said that at the time of De Juana's release, the ETA member was just hours away from suffering medically irreversible damage due to his hunger strike, and would have died in a short time if the GOS had not acted. Rubalcaba's view is that the decision to release De Juana saved Spanish lives by avoiding his transformation into a "decades-long martyr for radical ETA youth." Rubalcaba said the GOS was solely responsible for the decision, without any discussion with or pressure from ETA. The Minister told the Ambassador that despite the De Juana case becoming a rallying cry for ETA members in recent weeks, current ETA leaders have no use for him in the organization and will not want anything to do with him once he is freed. Rubalcaba posited that De Juana will likely retire to Morocco upon his release.

//ETA Could Put PP in Driver Seat//

14. (C) Turning to broader ETA issues, the Minister discussed the virulent reaction to the De Juana decision by the main opposition Partido Popular (PP). Rubalcaba told the

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Ambassador that the GOS knows ETA could "put the PP in the driver's seat" in advance of regional elections in May and national elections in early 2008 by assassinating one or more individuals of important PP rank or position. Rubalcaba quickly said his government is unsure whether current ETA leaders would risk taking this step, but the fear is that any ETA sympathizer would have the power to change the political calculus in Spain with one rash act. In discussing the December 30 ETA bombing at Madrid's Barajas airport that killed two individuals, Rubalcaba said that act proved the ETA hard-liners had won out over those favoring moderation, and derailed the peace process. Rubalcaba said that ETA's political front group Batasuna is still working every angle to try and gain permission to run in Basque municipal elections in May, but the Barajas bombing has made that scenario even more problematic.

//Bilateral Issues//

15. (C) The Ambassador expressed his appreciation to Minister Rubalcaba for the strong level of counterterrorism cooperation, specifically the development of the Bilateral Counterterrorism Working Group. He said the working group is an effective vehicle to improve judicial efforts against terrorism in both countries. The Ambassador also reiterated USG support for Spain's efforts in fighting terrorism and said that the ongoing trial of individuals allegedly involved in the March 11, 2004 Madrid train bombings highlights the continued threat facing both of our countries. When the Ambassador conveyed continued Department and National Security Council interest in the possible terrorist designation of Barakat Yarkas, Rubalcaba replied that he was aware that this was still a pending issue between our governments and knows that it needs to be addressed. The Minister told the Ambassador that responding to our request, he was also following developments on the Jose Couso case (the Spanish TV cameraman killed in the Palestine Hotel

incident in Iraq) and the CIA flights issue that have been the subject of much sensational press coverage in Spain in recent weeks. Rubalcaba said that although the Spanish judiciary was fiercely independent and would do what it thought was right, Rubalcaba had instructed his staff to avoid any inflammatory rhetorical comments in an attempt to lower the temperature on these issues.

//S Visit to Madrid//

¶6. (C) Minister Rubalcaba pressed the Ambassador for the "real reason" why the Secretary postponed her proposed March visit to Spain. The Ambassador replied that the postponement was purely for scheduling reasons due to the Secretary's planned travel and had nothing to do with any problems in the bilateral relationship. Ambassador Aguirre noted that the Secretary's recent phone call with Foreign Minister

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Moratinos, informing him that she needed to testify in Congress on March 28, confirmed what the Ambassador had said. Rubalcaba seemed satisfied with the answer. The Ambassador reminded Rubalcaba that if sectors of the Spanish Government continue to insist that there are signs of a deteriorating bilateral relationship when no signs exist, they run the risk of reversing some of the improvements made in the relationship over the past two years. Although the GOS has not confirmed the Secretary's new proposed visit date of June 1, Rubalcaba raised the possibility of the GOS eventually making some kind of statement confirming the visit. The Ambassador suggested to Rubalcaba that for security and logistical reasons, it was probably not wise to confirm the exact date of such a visit three months out, and the Minister agreed with the reasoning. (Note: Embassy is working with Washington, at the request of the Spanish MFA, to develop some kind of public statement indicating that S had planned to visit in March, is committed to coming to Spain, and that dates are being worked out. MFA would like to publicize a precise date for a rescheduled visit, but this issue is under discussion between the Embassy and Washington.)

¶7. (C) Comment. Rubalcaba said he was weighed down with the issues currently facing him and remarked that he "felt the weight of Spain on his shoulders." He is currently living above the Ministry due to repairs and refurbishment occurring at his house and said that living so close to the office made it hard to "disconnect": that he is having trouble sleeping at night. Although he shows no outward signs of stress, the events since the December 30 ETA bombing have clearly taken a toll. The Minister said that he appreciated opportunities such as these to exchange ideas and gain perspective and hopes they will continue.

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